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United Way of the Bay Area

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE CHEN,

Plaintiff,

vs.

UNITED WAY OF THE BAY AREA and,
and DOES 1-10 inclusive,

Defendants.

No. C-07-02785-WHA (JCS)

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO COMPEL
ARBITRATION OF PLAINTIFF'S SECOND
CAUSE OF ACTION FOR LIBEL**

Date: August 9, 2007
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

Complaint filed: April 26, 2007
Trial date: None set yet

1 On August 9, 2007, a hearing was held on defendant United Way of the Bay Area's motion to
2 compel arbitration of plaintiff George Chen's Second Cause of Action for Libel. William Gaus of
3 Dillingham & Murphy, LLP appeared for plaintiff; and Jeffrey D. Wohl of Paul, Hastings, Janofsky &
4 Walker LLP appeared for defendant.

5 The Court having considered the papers on the motion, the arguments of counsel, and the law,
6 and good cause appearing therefor,

7 IT IS ORDERED that the motion be and is hereby GRANTED. The Court finds that plaintiff's
8 Second Cause of Action for Libel is encompassed by the parties' arbitration agreement; that the
9 agreement is enforceable; and that plaintiff has refused to abide by his agreement. Accordingly,
10 plaintiff's Second Cause of Action for Libel is severed from plaintiff's complaint and ordered to be
11 arbitrated pursuant to the parties' agreement. The Court will retain jurisdiction over the Second Cause
12 of Action for the purpose of confirming, modifying, or vacating the arbitrator's award in conformity
13 with applicable law.

14 Dated: August ___, 2007.

15 William H. Alsup
16 United States District Judge
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